

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILADELPHIA EAGLES LIMITED
PARTNERSHIP

Plaintiff,

v.

FACTORY MUTUAL INSURANCE COMPANY

Defendant.

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: Case No. 2:21-cv-01776-MMB
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JOINT STATUS REPORT

Plaintiff Philadelphia Eagles Limited Partnership (the “Eagles”) and Defendant Factory Mutual Insurance Company (“Factory Mutual,” together with the Eagles, the “Parties”) hereby submit the following Joint Status Report in accordance with the Court’s February 6, 2023 Order (ECF No. 80). The Parties previously filed Joint Status Reports on April 6, 2023, June 5, 2023, August 4, 2023, October 6, 2023, and December 5, 2023, pursuant to the February 6 Order. *See* ECF Nos. 81, 83, 86, 88, 89.

Since the Parties’ December 5th Joint Status Report (ECF No. 89), the appellate briefing has closed in *Ungarean v. CNA*, No. 12 WAP 2023 (Pa.) and *MacMiles, LLC v. Erie Insurance Exchange*, No. 10 WAP 2023 (Pa.). Oral argument has not yet been scheduled. In *Wilson v. USI Service LLC, et al.*, 20-3124 (3d Cir.), the U.S. Court of Appeals for the Third Circuit has not yet ruled on the petition seeking a rehearing *en banc*.

For the reasons previously stated in the October 6th Joint Status Report (ECF No. 88), the Eagles believe that the stay previously entered by this Court should remain in place and that the Court should hold this matter in abeyance until *Ungarean* and *MacMiles* are resolved.

For the reasons previously stated in the October 6th Joint Status Report, Factory Mutual believes that resolution of the matters to be addressed in *Ungarean* and *MacMiles* are not necessary for a ruling on its pending Motion to Dismiss.

Dated: February 5, 2024

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